

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 798 - SB 1417

March 29, 2021

SUMMARY OF ORIGINAL BILL: Limits, to four years, the amount of time after completion of an improvement to a street, sidewalk, or highway that a claim may be brought against a local government to recover damages associated with injuries or wrongful death which occur as a result of a deficiency in the design, planning, supervision, observation or construction of the improvement.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – A precise impact to local government expenditures cannot reasonably be determined as the extent and timing of individual claims and damages are dependent upon multiple unknown factors.

SUMMARY OF AMENDMENT (006201): Deletes and rewrites all language after the enacting clause such that the substantive change limits applicability to claims brought against a local government for any deficiency in the design, planning, supervision, observation of construction, or construction of a trolley or light rail system.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 29-20-305, under the *Tennessee Government Tort Liability Act*, claims alleging injury must be commenced within one year of the incident causing damages. The proposed language would establish a statute of repose for claims attesting injury or wrongful death due to a deficiency in the design, planning, supervision, observation of construction, or construction of a trolley or light rail system.
- The proposed language may result in:
 - An increase in the number of claims within the four-year window which otherwise would have been prevented due to the one-year statute of limitations;
 - and

- An overall decrease in the number of claims against local governments, as claims may only be brought within four years from the completion of the improvements to the trolley or light rail system.
- A precise impact to local government expenditures cannot reasonably be determined as the extent and timing of any damages awarded to claimants by local governments is dependent upon multiple unknown factors.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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